

# EXHIBIT 8

**In the Matter Of:**

*IN RE: PORK ANTITRUST LITIGATION*

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*CHHAY EANG*

*June 10, 2022*

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1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MINNESOTA

3 IN RE: PORK | No. 0:18-cv-01776-JRT-HB  
4 LITIGATION  
5 ANTITRUST  
6 LITIGATION

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7 REMOTE ORAL AND VIDEOTAPED DEPOSITION OF  
8 CHHAY 'CHAI' EANG

9 JUNE 10, 2022

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11 REMOTE ORAL AND VIDEOTAPED DEPOSITION  
12 of CHHAY 'CHAI' EANG, produced as a witness  
13 at the instance of the Defendants, and duly  
14 sworn, was taken in the above-styled and  
15 numbered cause on June 10, 2022, from 10:11  
16 a.m. EST to 12:54 p.m. EST before Mendy A.  
17 Schneider, CSR, RPR, in and for the State of  
18 Texas, recorded by machine shorthand,  
remotely at the offices of MENDY SCHNEIDER,  
LLC, The Woodlands, Texas, pursuant to the  
Texas Rules of Civil Procedure and the  
provisions stated on the record or attached  
hereto; that the deposition shall be read and  
signed.

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1 I don't remember.

2 Q. Okay. Who decides what  
3 specific pork products to buy for Basil  
4 Charlotte?

5 A. That would be the founder who  
6 set up the menu.

7 Q. And that's your brother Henry  
8 Eang?

9 A. Yes.

10 Q. Do you have any discretion to  
11 purchase different pork products?

12 A. No.

13 I don't mess with his menu. I  
14 run my restaurants the way I run my  
15 restaurants, but the menu, I -- the menu  
16 itself, it's -- I leave that alone.

17 Q. Has your brother, Henry Eang,  
18 always been the same -- always been in charge  
19 of deciding what specific pork products to  
20 purchase?

21 A. Yes.

22 Q. And who decides how much of  
23 each specific pork product Basil Charlotte  
24 purchases?

25 A. That would be based on our

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1 previous period's sale, previous week's  
2 sales.

3 Q. And who does that analysis to  
4 decide how much to buy?

5 A. Whoever the kitchen manager is  
6 doing the purchase sheet and looking at what  
7 the par or par is and...

8 Q. Okay. What distributors has  
9 Basil Charlotte purchased pork from?

10 MR. COHEN: Objection; lack of  
11 foundation.

12 You can answer the question.

13 A. Between Sysco and US Food, we  
14 fluct-- we varied, depending. Sometimes we  
15 buy from Sysco; sometimes we buy from US  
16 Food.

17 Q. (BY MR. GALLUP) Has Basil  
18 Charlotte ever purchased pork from Concept  
19 Foods?

20 A. I don't remember. I don't  
21 recall. Possibly.

22 Q. What does Basil Charlotte  
23 purchase from Concept Foods?

24 MR. COHEN: Objection.

25 You can answer the question.

1                   A.        Whatever we can't buy from  
2 US Food and/or Sysco, we buy from Concept; or  
3 specialty items.

4 Q. (BY MR. GALLUP) All right.

5 I'm going to share my screen here in a  
6 moment.

7 (Marked Basil Exhibit No. C5.)

10 A. Yes.

11 Q. (BY MR. GALLUP) All right.

12 I'm showing you documents Bates-numbered from  
13 BASILC00000281 through 283.

14 MR. GALLUP: I'll note for the  
15 record that these documents were extracted  
16 from a larger collection of scanned invoices  
17 produced as a single document with Bates  
18 numbers ranging from BASILC00000062 to  
19 BASILC00002028, and this larger collection of  
20 documents was produced without a cover  
21 e-mail.

22 Q. (BY MR. GALLUP) Do you  
23 recognize this document?

24 A. It looks familiar.

25 O. What is it?

1 speculation.

2 You can answer.

3 MS. JONES: Objection; lack of  
4 foundation and calls for speculation.

5 A. I don't know.

6 Q. (BY MR. GALLUP) Has US Foods  
7 ever provided pricing analyses to Basil  
8 Charlotte?

9 MR. COHEN: Objection; lack of  
10 foundation.

11 You can answer.

12 A. No.

13 Q. (BY MR. GALLUP) Did Sysco ever  
14 provide pricing analyses to Basil Charlotte?

15 MR. COHEN: Objection --

16 MS. JONES: Objection --

17 MR. COHEN: -- foundation.

18 MS. JONES: Objection; lack of  
19 foundation.

20 MR. COHEN: You can answer,  
21 Mr. Eang.

22 You can answer that question,  
23 Mr. Eang.

24 THE WITNESS: I'm sorry. I'm  
25 sorry. I thought I did.

1 A. No.

2 Q. (BY MR. GALLUP) Okay. Did  
3 Basil Charlotte ever negotiate with  
4 distributors on pork prices?

5 A. No. We're -- for the most  
6 part, they tell us the price. We either pay  
7 that price or shop around.

8 Q. Did Basil Charlotte ever ask  
9 one distributor to meet the other  
10 distributor's prices for pork?

11 MR. COHEN: Object to form.

12 MS. JONES: Objection; calls  
13 for speculation and vague.

14 A. No. Like I said, their --  
15 their price is set, so...

16 Q. (BY MR. GALLUP) You didn't  
17 think that Basil Charlotte could ever get a  
18 better deal by pushing a distributor to meet  
19 a different distributor's prices?

20 MR. COHEN: Object to form and  
21 lack of foundation. Calls for  
22 speculation.

23 MS. JONES: Objection -- same  
24 objections.

25 A. Are you asking what I think?

1 Q. (BY MR. GALLUP) Yeah. If you  
2 think that would be something that could --  
3 that you could -- that Basil Charlotte could  
4 have done.

5 A. We could, yes.

6 Q. But you're testifying that  
7 Basil Charlotte never did that; is that  
8 right?

9 A. I don't remember if we did or  
10 didn't.

11 I'm sure we probably -- I'm  
12 sure -- I'm sure we asked for the best price.  
13 Whatever price they gave us is what we  
14 accept.

15 Q. Do any of the distributors  
16 Basil Charlotte purchases pork from ever  
17 offer rebates or discounts?

18 A. No. We're not involved in any  
19 rebates or discount program that I -- to my  
20 knowledge.

21 They've tried to get us  
22 involved in -- in rebate and discount  
23 program, but I didn't. We like to -- but  
24 that usually requires a -- more of a  
25 commitment of purchasing, but we like to be

1 only thing that US Foods does to compete for  
2 Basil Charlotte's business?

3 A. And quality.

4 Q. How do they compete -- or how  
5 does US Foods compete on quality?

6 MR. COHEN: Objection; lack of  
7 foundation.

8 A. I -- I don't know how they -- I  
9 don't know how US Foods...

10 Q. (BY MR. GALLUP) What -- or to  
11 your knowledge, what else does Sysco do to  
12 compete for Basil Charlotte's business?

13 MR. COHEN: Objection; calls  
14 for speculation, lack of foundation.

15 MS. JONES: Same objections.

16 A. Try to offer the best price.

17 Q. (BY MR. GALLUP) To your  
18 knowledge, does Sysco compete for Basil  
19 Charlotte's business based on quality as  
20 well?

21 MR. COHEN: Objection; calls  
22 for speculation.

23 MS. JONES: Same objection, and  
24 lack of foundation.

25 A. I -- I'm -- I'm sure they try.

1 Q. (BY MR. GALLUP) Is quality of  
2 the pork products available ever a  
3 consideration in choosing -- for Basil  
4 Charlotte in choosing to purchase pork from  
5 either Sysco or US Foods?

6 MR. COHEN: Objection; lack of  
7 foundation.

8 MS. JONES: Same objection, and  
9 vague. It's not particularized to  
10 a --

11 A. Purchasing --

12 MS. JONES: -- specific --

13 A. Purchasing was price-based.  
14 Quality, we don't know quality because we  
15 don't -- we -- we don't know which brand --  
16 well, the price was -- was the reason.

17 Q. (BY MR. GALLUP) Does Basil  
18 Charlotte ever purchase pork from an entity  
19 other than a distributor?

20 A. Than -- I'm sorry -- the two  
21 distributors?

22 Q. Yes.

23 A. Or the other distributors?

24 Not to my knowledge. It's been  
25 pretty consistent with US Food or Sysco.

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1 Q. Does US -- or, strike that.

2 Has Basil Charlotte ever  
3 purchased pork from someone other than US  
4 Foods or Sysco?

5 A. No, not to my knowledge.

6 Q. Has Basil Charlotte ever  
7 purchased pork through a buying group or a  
8 cooperative?

9 A. That -- no.

10 Q. Was the amount of pork Basil  
11 Charlotte purchased consistent between when  
12 it opened and 2018?

13 MR. COHEN: Objection; calls  
14 for speculation. Lack of foundation.

15 A. I don't -- yeah. No, I don't  
16 know.

17 Q. (BY MR. GALLUP) Did Basil  
18 Charlotte ever buy less of a product because  
19 the price went up?

20 A. Specifically or generally?

21 Q. Generally for now.

22 A. Generally, yes.

23 Q. What products would Basil  
24 Charlotte buy less of if the price went up?

25 A. Wine.

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1 Q. Is that the only product that  
2 Basil Charlotte would buy less of if the  
3 price went up?

4 A. What else? Well, we wouldn't  
5 buy less. We would buy something else,  
6 another brand, but we don't buy less of  
7 anything.

8 We just buy something else.

9 Q. And when you --

10 A. Because we need -- we need --  
11 we need products to run our restaurants. We  
12 cannot not have it.

13 Q. Did Basil Charlotte ever buy  
14 less of -- or strike that.

15 Did Basil Charlotte ever buy  
16 less pork when the price went up?

17 MR. COHEN: Object to form.

18 A. No, because we need a product  
19 to sell -- we need the product to sell it on  
20 the menu.

21 Q. (BY MR. GALLUP) Did Basil  
22 Charlotte ever purchase organic pork?

23 MR. COHEN: Objection; calls  
24 for speculation.

25 A. I don't think so, no. I don't